

HONOLULU POLICE COMMISSION
City and County of Honolulu
State of Hawaii
Minutes of the Regular Meeting
September 28, 2017

CALL TO ORDER Chair Sword called the meeting to order at 8:00 a.m. on Wednesday, September 28, 2017, in Conference Room A at the Honolulu Police Department Alapai Headquarters

PRESENT Max J. Sword, Chair
Cha Thompson, Vice-Chair
Eddie Flores, Member
Steven H. Levinson, Member
Loretta A. Sheehan, Member

Daniel W. S. Lawrence, Executive Officer
Richard Lewallen, Deputy Corporation Counsel
Erin Marie Yamashita, Secretary

ALSO PRESENT William R. Axt, Acting Deputy Chief

ASCERTAINMENT OF QUORUM Counsel Lewallen ascertained that a quorum was present

PUBLIC TESTIMONY
None.

UNFINISHED BUSINESS

Selection Process for the next Chief of Police

Executive Officer Lawrence informed commissioners that Phase 2, the assessment center portion of the selection process, is complete.

He then introduced Mr. Joe Hinish, of EB Jacobs, who will present commissioners with the results of the assessment center.

Mr. Hinish introduced himself to commissioners and informed them he and his associate, Mr. Jay Silva, have been in Honolulu for the last four days for the assessment center. The assessment center began on Monday, September 25, 2017, with an all-day training session. During the training session, assessors were familiarized with the process that was to be used including the competency model from stakeholder meetings, the rating process to be followed, specific exercises used to create challenges for the nine candidates, and to review the logistics that would take place.

Each candidate participated in three oral challenges and two written exercises. Candidates reported to the assessment center on September 26 and 27, 2017. Instruction was provided to all candidates from 7:00 to 7:30 a.m. on September 26, 2017. It was also explained to the candidates the day would be busy, similar to what a day might be like as a chief of police.

Selection Process for the next Chief of Police (Continued)

There were certain exercises they could work on throughout the day for submission at the end of the day. A schedule was distributed to candidates that was assigned by a random number selected by the candidates. The schedules provided the three times during the day he/she would be taken away from working on the written exercises to perform one of the three oral exercises.

Candidates had their own workstation equipped with a laptop computer for completion of the written exercises. The written exercises were distributed to candidates at 7:30 a.m. Formatting restrictions were in place for the written assignment ensuring every candidate was typing into the same format with the same page limits.

After the first 45 minutes, candidates began the oral exercise rotation. A monitor would notify the candidate that it was his/her turn for one of the oral exercises and that they would be called away from the workroom for approximately 60 minutes. Candidates were escorted to a prep room and notified of which oral exercise he/she was assigned. They were then provided with 25 minutes of prep time for the exercise. After the prep time candidates were escorted to their assigned performance rooms to conduct the oral exercise.

Assessors were grouped in teams of two and assigned to an exercise for the entire day. Assessors welcomed candidates, reminded them of the logistics of the exercise, and that they had a total of 15 minutes to perform the exercise. Each exercise was different:

- Oral Exercise A was a press conference. Scenario told of the situation he/she would be facing and that for the first five minutes an opening statement about the situation would have to be made and the remaining 10 minutes would be spent answering questions from the media. (Each candidate received the same questions in the same order.)
- Oral Exercise B was a meeting with two neighborhood board representatives which was a scenario that he/she was a new chief contacted by the neighborhood board representatives who wanted to meet the new chief to discuss certain issues. The scenario unfolded into a recent development of information out saying there were issues within the department involving certain officers making its way into the news. The neighborhood board members then stated they wanted to talk about the internal issues with the department. During the first eight minutes the candidates provided a statement responding to the unfolding situation and to set the two neighborhood board members at ease. After the eight minutes, there were two follow-up questions about other specific information. (Each candidate received the same questions.)
- Oral Exercise C was a presentation. Candidates were provided with a scenario and told once they entered the performance room he/she would speak, uninterrupted, for the entire time and that usage of the entire 15 minutes was not required.

Upon completion of each oral exercise, each candidate was required to complete a self-evaluation immediately after the oral exercise.

With regard to the written exercises, one exercise was extensive and had multiple parts dealing with special event planning focusing on how he/she would work with the department to best utilize resources. The second written exercise dealt with working/coordinating with other agencies as the chief.

Selection Process for the next Chief of Police (Continued)

The second written exercise was shorter and had three parts with the focus as the candidate introducing themselves in the early days as a new chief to three different audiences. The first part of the exercise was to write a narrative that would be given in a release to the public. The second part was if you met with your staff/department during the initial days and were talking about being the new chief, what your approach would be, what would that statement be. The final part of the second question was, if at your first meeting with the City Council you were given some time to speak with them about your vision for the department as well as introducing yourself, what would you say.

On the second day candidates completed a self-evaluation for the written exercises using the same competency models the assessors used (the nine dimensions in the competency model.)

The oral exercises were scored live by assessors and the written exercises scored Wednesday. Calculations were then completed and a list prepared for commissioners. Assessors were able to view the results.

Commissioner Levinson wanted to know if the self-assessments, completed by candidates, were scored by the assessors. Mr. Hinish explained the candidates participated in 1 ½ days of assessment, the assessors committed to four days—first day training, second day scoring orals, third day scoring written, and creating a summary report for each candidate which goes through each individual exercise, provides important insights learned as well as final summaries of strengths and potential weaknesses of each candidate. During the writing of the summaries assessors reviewed the candidate self-assessments of the same exercises in order to see to what extent a candidate had of his/her self awareness of their own strengths and weaknesses.

Mr. Hinish also informed commissioners they will be provided with a dossier for each candidate that will include, the written essays from phase one, typed exercises from phase two, the scores for each of the exercises, the summary report from the assessment center, candidate self-reports, and a copy of the video from the media exercise.

Commissioner Levinson then asked if the self-assessment was qualitatively evaluated in a sense not to quantify or give an applicant a self-awareness score. Mr. Hinish responded there was no intent to give candidates a self-awareness score per se, as it would come out in terms of a narrative comment in the report.

Vice-Chair Thompson asked if the written exam was weighted higher than the oral exam for all applicants. Mr. Hinish responded the list to be provided has every element weighted equally for the exercises. He further explained that although there were two written exercises, one was a much longer exercise with two parts and the other a shorter exercises.

When the assessors scored the written exercises on September 27, 2017, they were again in teams of two, this time with a different partner from the previous day. The first team of assessors received the longer written exercise that just dealt with the department; the second team scored the long exercise, the other agency issues; and third team scored the introduction exercise.

Selection Process for the next Chief of Police (Continued)

The initial score that will be presented to commissioners will be the rank order list, which has the six elements plus the phase one essays all weighing equally. Scores are first combined by exercise and then across the competencies to get an overall score. The competencies were not equally weighted, there were nine different competencies and each had a value of one, two, or three. The dimensions stressed as important by stakeholders were given extra weight and those stakeholders felt were less critical were given a lesser value, so there was a differential weighting on the competencies and there was an equal weighting on the exercises.

Commissioner Sheehan asked if phase two was designed to see which candidates were able to articulate competencies that were most in line with what the stakeholders articulated. Mr. Hinich informed commissioners that the stakeholders helped to create a customized model for the process and that it is something similar to what EB Jacobs uses in other assessments, but the exact combination of nine competencies is unique to Honolulu's process. He then provided an analogy of the competencies and asked commissioners to think of each competency as a tool in a tool kit and how he/she used their tools.

The intent is to show that the candidates at the top are the ones that navigated the five exercises correctly. The statement that is hoping to be made is that the candidates at the top of the list are the ones that are showing a tool kit that suggests that no matter what situation they are faced with the probability that he/she will successfully navigate is high because they have good tools.

Commissioner Sheehan then said she was trying to understand the limitations of phase two and that phase two did not examine/query the candidates' analysis of HPD or analysis of police work and that it was more communication and leadership skills, and vision for HPD was not included. Mr. Hinich responded that vision for HPD was one exercise and that the long written exercise did not ask specific things about HPD but did ask candidates to provide detailed information from a law-enforcement perspective and how they would deal with a hypothetical situation.

Mr. Hinich then explained the hypothetical situation presented to candidates which was, there was a new venue being built for concerts in Honolulu which is due to be finished in six months. The venue was an indoor one that would hold 35,000 persons, had an outdoor viewing area for another 15,000 persons, and will be built in a metropolitan area in the city. This allowed for the testing of their law-enforcement knowledge and for candidates to provide information as to what reasonable things a department would do to create a plan on working with other agencies. It allowed candidates to explain specific things that might be unique to the HPD and allowed candidates to provide detailed information as to how they would approach the issue.

Because there were some candidates that did not know specifics of the department, exercises were cast in generic terms so everyone could respond and effectively provide information from their experiences. Even if they did not have the exact title of the agency they had to list the type of agency. This would show they had direct knowledge of policing, knowledge of technology, for both phase one and phase two.

Selection Process for the next Chief of Police (Continued)

Commissioner Sheehan then asked how the assessors were selected. Mr. Hinish informed commissioners that there were conversations between EB Jacobs and EO Lawrence regarding the typical process EB Jacobs uses in selecting assessors, which includes assessors with a high level of law-enforcement experience. Based on the criteria and knowing local assessors would be used, parameters were provided to EO Lawrence for the selection of assessors.

Mr. Hinish expresses his thanks to the six individuals serving as assessors as their credentials are impressive, they took the process seriously, and that there were significant conversations during assessor training in addressing important topics related to the evaluation process. Given the fact that the commitment was a four-day commitment, he was thankful persons of that level agreed to participate.

Commissioner Levinson requested Mr. Hinish elaborate on the exercise that focused on some matters internal to the department involving particular officers. Mr. Hinish explained the neighborhood board exercise provided an initial set of circumstances where the neighborhood board representatives were interested in meeting with the new chief in order to carry on established activities. The unfolding event that occurred days prior to the meeting was a release in the media of information from unknown department personnel that there were e-mails and conversations going on between seven or eight officers. Candidates had to deal with a situation in which the seven or eight officers exchanged e-mails and conversations about how they interact with a certain ethnicity, that they treat them differently, and share stories with one another about how things happen with the certain group and how they are treated. What was being released was that a small subset within the department was intentionally, negatively treating a specific race group negatively by a small number of officers.

Candidates had to navigate how to get a handle on the expanding story, how to investigate the allegation, find out what the truth was, and what actions needed to be done internally as well as how to initially and continually keep the public informed as to what is occurring and providing information to the public.

Chair Sword thanked Mr. Hinish and extended his appreciation to the assessors, Bob Fishman, Charles Iona, Flo Nakakuni, Greg Gilmartin, Lee Donohue, and Mark Nakagawa. Vice-Chair Thompson agreed and stated the assessors are an excellent group of people. Mr. Hinish shared that each assessor committed four days, worked very hard and, are dedicated members of the community.

Mr. Hinish then provided commissioners with the final rank order scores for candidates in phases one and two and explained the process for the final tally. He noted a cluster of candidates, those in third, fourth, fifth, sixth and seventh positions, and that there is a natural break by score points between the seventh and eighth candidates.

Commissioner Levinson wanted to know what the top score a candidate could have received. Mr. Hinish informed commissioners that a perfect score is 81 and that he would provide commissioners with a statistical analysis. Commissioner Levinson then asked Mr. Hinish if he was able to determine what a one or two standard deviation would be. Mr. Hinish responded the standard measure of error was used and further explained that the standard deviation was more appropriate in this instance and is based on the variability of the scores.

Selection Process for the next Chief of Police (Continued)

After explaining the calculation method, Mr. Hinish stated that any score within 2.58 points of any other could change positions because of the error in measuring and that it doesn't mean they would change positions, just that there is a probability they could. He then reviewed the methods considered when making the rank list as well as what commissioners might consider when selecting the finalists.

Commissioner Flores asked Mr. Hinish for his recommendation. Mr. Hinish stated that given the clustering of the candidates three through seven, he would take seven candidates.

Commissioner Levinson then asked if Dr. Farkas has met with the candidates. Mr. Hinish informed commissioners that on September 27, 2017, candidates had approximately 2 ½ hours with EB Jacobs and then separately were with Dr. Farkas from 10:30 a.m. to 5 p.m. less a lunch break.

Chair Sword asked commissioners to indicate the number of candidates they would like to move forward to which Commissioner Flores made a motion that he would like to take the recommendation of the consultant and advance seven individuals to the interview with commissioners. Vice-Chair Thompson seconded the motion.

Discussion: Commissioner Sheehan said she would be interested to read through the nine dossiers and watch videos before committing to a number of candidates. She further stated reasonable minds can disagree, it is possible that she would completely agree with the assessors' evaluation and feel comfortable with a certain cut off, but it is also possible that she wouldn't agree so she wanted to know if reading the nine dossiers is an option.

Chair Sword stated that what was on the table is a motion to cut to seven individuals. Commissioner Sheehan then made a friendly amendment that any commissioner who wanted to read the dossiers before voting would be able to do so. She also clarified that she's not saying all nine should be interviewed, just that commissioners have an interesting general description of what happened and how people were assessed. While she respects the process, she would like to read something before voting.

Commissioner Flores stated that he was not sure about the dossiers and the mention of candidate names. Mr. Hinish informed commissioners that candidate information will have names and scores are part of the dossier. Commissioner Flores asked if the scores for each candidate are included to which Mr. Hinish responded that if commissioners read the dossiers they would know the position of every candidate.

Commissioner Sheehan then asked Mr. Hinish if reading the dossiers is something he would recommend against commissioners doing. Mr. Hinish responded that given the efforts of commissioners all along has been to stay neutral from knowing identities and to make a decision that doesn't allow for the possibility of considering candidates below the seven, commissioners would no longer be able to hold the position and objectively draw the line. In terms of reading the information, to make sense of the scores and decide whether or not a commissioner would come out with the same scores, he/she would have to be trained as the assessors were with regarding to scoring the exercises.

Selection Process for the next Chief of Police (Continued)

Vice-Chair Thompson shared that she doesn't know if it would be totally necessary because there was an extensive balance test for all the applicants. She doesn't know that she would want to extend the process any further.

Commissioner Levinson also requested to make a friendly amendment and stated that it is his understanding that ranked candidates eight and nine are two standard errors below the top two hence the recommendation that commissioners interview seven candidates because all of those seven are at least within one standard error of each other to which Mr. Hinish stated Commissioner Levinson was correct.

Commissioner Levinson carried on and said commissioners could read the materials for seven or nine as the amount of time it would take to read was not significant. He then made his friendly amendment and motioned to make a preliminary decision to interview the top seven candidates. He also motioned that any commissioner be permitted to read all of the dossiers if he/she wanted to and that the Commission retain the prerogative to change its mind if four commissioners agree to interview all nine rather than seven. After making his friendly amendment he stated he doubts it will happen, but in theory it could, and that his friendly amendment would make everybody happy.

Commissioners Flores stated it was too complicated and that the Commission needs to move forward and make a decision right now.

Commissioner Levinson said he is suggesting a decision right now—that the Commission interview seven with the outside chance that they may later decide to interview the additional two.

Chair Sword said that the previous process, which he was involved in, commissioners started out with five candidates after the assessment. This time around he said he would like to look at a minimum of five in the final review. In the case of what has been extensively done in the assessment center during the past two days, seven is within the range he would like to be. Chair Sword appreciates Commissioner Levinson's wanting to make everyone happy, unfortunately in this process not everybody is happy and recommended commissioners stick to seven unless Mr. Hinish recommends otherwise. Mr. Hinish responded that seven is a good number.

Chair Sword feels commissioners should move forward and interview seven candidates and that the motion put forth by Commissioner Flores move forward.

Commissioner Levinson responded that he, too, is content with interviewing seven candidates and does not want to prolong the process beyond the amount it is going to take, but reading two additional dossiers does not prolong anything especially if meeting dates are set and commissioners should take as much as is necessary to make a decision by a certain deadline. For the sake of form he would like to keep his friendly amendment on the table, if it had a second, of which he was not sure. Chair Sword stated Commissioner Levinson's friendly amendment did not have a second. Commissioner Sheehan then seconded Commissioner Levinson's friendly amendment.

Selection Process for the next Chief of Police (Continued)

Commissioner Levinson then said he was ambivalent about his amendment but wanted to make it anyway and would be content to pick seven as the number of candidates to interview. Vice-Chair Thompson believes everything Commissioner Levinson is saying because she knows how considerate he is, but she does not want to delay the process further. She also shared that should one commissioner not be available the process would be further delayed.

Commissioner Levinson expressed appreciation Commissioner Sheehan's second and withdrew his friendly amendment.

Commissioner Sheehan shared that assuming the motion passes and there are seven finalists, it is her understanding that the seven candidates move forward with background checks, psychological evaluations, and interviews by the Commission. Chair Sword stated that she is correct and that commissioners can address issues specific to Honolulu when they interview the candidates.

Vote: By a unanimous vote, the motion by Commissioner Flores to interview seven candidates, passed.

Chair Sword then announced the Commission would take a short break to allow for notification to the applicants and would return to provide the names of the seven candidates moving forward.

Recess: 9:15 a.m. to 9:28 a.m.

Announcements of Finalists

Chair Sword thanked everyone for their patience and announced the finalists in alphabetical order by last name as:

- Thomas Aiu
- Susan Ballard
- Kurt Kendro
- Kevin Lima
- Mark Lomax
- James Lowery, Jr.
- Paul Putzulu

These seven candidates will move on to the next phase which includes the psychological interview and the interview with the Commission.

Commissioner Sheehan wanted to know if there would be a chance for input from the public. Chair Sword stated that public testimony on the seven candidates will be accepted during the October 4, 2017 meeting.

Commissioner Levinson wanted to know if the dates of the interviews will be known. Chair Sword responded the HPC staff will coordinate the dates and times. EO Lawrence requested commissioners look at the last full week of October, the week of October 23, 2017.

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Selection Process for the next Chief of Police (Continued)

Commissioner Sheehan wanted to know if testimony would be accepted in written and e-mail submissions. Chair Sword confirmed written and e-mail submissions are accepted.

ADJOURNMENT

At 9:30 a. m. Commissioner Flores made a motion to adjourn the meeting. Commissioner Sheehan seconded the motion, by a unanimous vote, the motion carried.